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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF DELAWARE,
COMMONWEALTH OF
MASSACHUSETTS, STATE OF NEW
JERSEY, STATE OF NEW MEXICO,
STATE OF NEW YORK, STATE OF
OREGON, STATE OF RHODE ISLAND,
STATE OF VERMONT, and STATE OF
WASHINGTON,

Plaintiffs,

v.

UNITED STATES OF AMERICA, U.S.
ENVIRONMENTAL PROTECTION
AGENCY, LEE ZELDIN, in his official
capacity as Administrator of the U.S.
Environmental Protection Agency, and
DONALD J. TRUMP, in his official
capacity as President of the United States,

Defendants.

No. 4:25-cv-04966-HSG

DECLARATION OF BILL COUSER IN
SUPPORT OF AMERICAN FREE
ENTERPRISE CHAMBER OF
COMMERCE'S MOTION TO
INTERVENE

I, Bill Couser, declare as follows:

1. I make this declaration in support of American Free Enterprise Chamber of Commerce's ("AmFree's") Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge. If called as a witness in this action, I could and would testify competently to the facts set forth herein.

2. I am Vice Chairman and Secretary of the Board of Directors of Lincolnway Energy, LLC, a member of AmFree. Lincolnway Energy is located in Nevada, Iowa, where our ethanol plant processes corn into 50 million gallons of fuel-grade ethanol per year.

3. In my position as Vice Chairman and Secretary of the Board, I am familiar with all aspects of Lincolnway Energy's work and with the market for ethanol-containing fuels. I am also generally familiar with California's Advanced Clean Cars II ("ACC II"), Advanced Clean Trucks ("ACT"), and Heavy-Duty Engine and Vehicle Omnibus ("Omnibus")

1 standards, which, if given legal effect, would govern sales of new motor vehicles in California
2 and other states that have adopted them. I understand that the U.S. Environmental Protection
3 Agency (“EPA”) granted waivers of preemption under the Clean Air Act to allow California
4 and other states to enforce these standards, that Congress passed and the President signed
5 resolutions of disapproval that repeal those waivers, and that California and other states now
6 challenge the validity of those resolutions.

7 4. Ethanol is the second-largest component by volume of the fuel that powers the
8 vast majority of the United States’ passenger vehicle fleet. Ethanol provides a low carbon
9 source of energy and octane rating—the measure of a fuel to resist “knocking” in an engine—
10 reducing vehicles’ net greenhouse gas emissions and the emission of toxic chemicals such as
11 benzene. Across most of the United States, refiners add 10% ethanol to gasoline, in part to
12 raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of
13 ethanol in vehicle fuel reduced greenhouse gas emissions by approximately 54.3 million
14 metric tons, equivalent to removing about 12 million cars from the road. Renewable Fuels
15 Association (“RFA”), *Ethanol and the Environment*, <https://perma.cc/DXD8-Q3SM> (July 3,
16 2025).

17 5. In 2024 the ethanol industry directly supported more than 55,800 U.S. jobs,
18 and indirectly supported or induced an additional 258,000 jobs. RFA, *Back to Our Roots: 2025*
19 *Ethanol Industry Outlook* 8, <https://perma.cc/FZG5-GWYV> (July 3, 2025). Just last year, the
20 ethanol industry created \$28.3 billion in household income and contributed approximately
21 \$53 billion to the nation’s gross domestic product. *Id.*

22 6. I understand that California’s ACC II, ACT, and Omnibus programs are
23 generally designed to increase the share of new electric vehicles sold, and so decrease the share
24 of new internal-combustion vehicles sold. Basic economic principles and common-sense
25 dictate that the standards will therefore decrease demand for automobile gasoline. I
26 understand that California acknowledges its standards will reduce gasoline demand. CARB,
27 *ACC II Initial Statement of Reasons* 169 (discussing the “decrease in gasoline sales” from ACC
28 II), <https://perma.cc/S8C5-HL4Y> (June 27, 2025); CARB, *ACT Initial Statement of Reasons*

IX-34 (Oct. 22, 2019) (“Displacing gasoline and diesel with electricity and hydrogen [as required by ACT] will decrease the total amount of gasoline and diesel dispensed in the state...”), <https://perma.cc/M6ZJ-UPNF> (June 27, 2025); *id.* at IX-40 (ACT is predicted to cause “a relatively large decrease in demand for gasoline and diesel”).

7. California’s programs will therefore also drive down demand for ethanol, since U.S. production of fuel ethanol tracks demand for automobile fuels. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/5L4C-GWG4> (June 27, 2025). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”). This makes sense, since every electric car sold in place of a gasoline-fueled vehicle destroys demand for gasoline and ethanol across the lifetime of the vehicle.

8. The demand destruction caused by California’s programs would reduce the market for Lincolnway Energy’s ethanol output and undermine the company’s substantial economic investment in ethanol production.

9. Lincolnway Energy therefore has a substantial interest in ensuring that the resolutions repealing the waivers are given full legal effect so that California and other states cannot enforce the ACC II, ACT, and Omnibus programs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 7/14, 2025.

Bill Couser
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